

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 15-39 are pending in the application, with claims 15, 21, and 26 being independent. Claims 1-14 are withdrawn from consideration. Applicant amends claims 15, 21, and 26 to further clarify features of the claimed subject matter. The original specification and drawings support these claim amendments at least at page 2, paragraph [0006], page 3, paragraphs [0014-0015], page 5-6, paragraph [0017], and figure 2. Therefore, claims 15-39 are presented and directed to subject matter of the original disclosure.

REQUEST FOR TELEPHONE INTERVIEW

Applicant would like to schedule an interview with the examiner prior to the Office issuing the next office action. Applicant had tried to contact the examiner prior to drafting the final response, but Mr. Campbell indicated the rejection was final and there was a change in examiners so he had not reviewed the application previously. In the interest of expediting prosecution, Applicant would like to schedule an interview with Examiner Campbell.

CLAIM REJECTIONS OF 35 U.S.C. § 103

Claims 15-39 stand rejected under 35 U.S.C. § 103(a) as being obvious over Altova Inc. & Altova GmbH, "XML Spy Suite 4.4," User and Reference Manual Version 4.1 (hereinafter "XML Spy") in view of U.S. Patent No. 7,124,357 to Orr. Applicant respectfully traverses the rejection.

Independent Claim 15

Without conceding the propriety of the rejection and only to advance the prosecution of this application, Applicant amends **independent claim 15** to further clarify features of the claimed subject matter. Amended claim 15 now recites a computer-readable medium having computer executable instructions stored on a computing device including a data structure, comprising (emphasis added):

a first data field encoded according to a first format,
wherein the first format is XML; and
a second data field referring to data encoded according to a
second format, wherein the second format is JPEG;
wherein the first data field and the second data field are
homogenized according to a reference encoding format for
presentation into a single electronic format;
wherein the homogenized comprises combining within a
single package data encoded as XML and embedded opaque binary
data without losing information, without having to perform
character set-to-character set encodings, and avoiding data bloat;
wherein the reference encoding format can be generalized
to other formats; and
wherein the reference encoding format can be split into
parts.

Applicant respectfully submits that no such computer-readable medium is disclosed, taught or suggested by XML Spy and/or Orr.

XML Spy and/or Orr does not disclose, teach or suggest combining within a single package data partially encoded as XML and partially as opaque binary data without having to perform character set-to-character set encodings

XML Spy describes a comprehensive and easy-to-use product family that facilitates all aspects of XML application development. See, page 2. XML Spy documentation describes a tutorial on how to use XML Spy for the major aspects of XML, including XML editing and

validation, Schema/DTD (Document Type Definition) editing and validation, and XSL editing and transformation. *See*, page 2. XML Spy describes “switch[ing] the character-set encoding used by a file,” implying that the XML Spy uses character-set encoding to encode the file. *See*, page 117. Further, XML Spy describes converting the data into Unicode and specifying which character-set the file is currently encoded in. *See*, page 208. XML Spy also describes specifying the kind of character-set encoding to be used when creating new files, as well as the encoding to be assumed, when opening files that lack an encoding declaration. *See*, page 303. Finally, XML Spy describes using Unicode to encode files. *See*, page 551.

In contrast, Applicant’s amended claim 15 recites, “*wherein the homogenized comprises combining within a single package data encoded as XML and embedded opaque binary data without losing information, without having to perform character set-to-character set encodings, and avoiding data bloat.*” To assist the Office in appreciating the claimed subject matter, the following excerpt is reproduced from the Applicant’s Specification.

Applicant’s Specification, paragraph [0006]

By combining data having at least two different encodings and presenting the combined data as homogenized data according to a reference encoding, information that is encoded in different character sets can be combined within a single package without having to perform character set-to-character set encodings.

Applicant’s Specification, paragraphs [0014-0015]

The present description includes references to “opaque binary data” or “opaque data.” Such references are to data, binary or otherwise, whose declarations or encoding type is deferred

The homogenized data of FIG. 2 enables applications to avoid the data bloat and resultant increase in overhead associated with base64 encoding in accordance with the mixed content includes combination technique. More specifically, FIG. 2, which shows an example of homogenized data 120A resulting from the

processing of the example of FIG. 1, provides XML “include” element 210 that references opaque binary Data2 215 to be included in a character, e.g., text, string. The opaque binary data is referenced by XML include element 210, which is a uniform resource identifier (hereafter “URI”), and the resultant version of an octet sequence, in base64, logically replaces the include element. Accordingly, an XML processor processes as if all binary data is base64-encoded character content, independent of the wire format of the content, allowing the processor to apply an Infoset-based processing model to the content. More particularly, XML include element 210 references opaque binary Data2 215 for logical inclusion, and carries a single attribute. A href (Hypertext REference) attribute of XML include element 210 provides the URI of the opaque binary data to be included. The normalized value of the href attribute resolves to a resource within the message serialization. A base64-encoding of the octet stream resulting from resolving the URI replaces the XML include element that the URI attribute appears on. It should be noted that, as utilized within this description, the term “resolve” refers to linking or pointing to referenced data.

To assist the Office in appreciating the claimed subject matter, the following excerpt is reproduced from the Applicant’s Specification to illustrate in a non-limiting example combining within a single package data partially encoded as XML and partially as opaque binary data without having to perform character set-to-character set encodings.

Applicant’s Specification, paragraphs [0014-0015]

The following example illustrates the use of an XML include element in a multipart MIME serialization. While the example shows all opaque binary data being carried in multipart MIME packaging, this is not an intrinsic characteristic of XML include processing. That is, XML include elements can be used with other message serialization schemes.

```
MIME-Version: 1.0
Content-Type: Multipart/Related;
boundary=MIME_boundary; type=text/xml;
start="<mymessage.xml@example.org>"
Content-Description: An XML document with my
pic, warcry and sig in it
```

```

--MIME_boundary
Content-Type: text/xml; charset=UTF-8
Content-Transfer-Encoding: 8bit
Content-ID: <mymessage.xml@example.org>

<soap:Envelope
xmlns:soap='http://www.w3.org/2002/12/soap-
envelope'

xmlns:xbinc='http://schemas.xmlsoap.org/2003
/04/xbinc'

xmlns:xmime='http://schemas.xmlsoap.org/2003
/04/xmime' >
  <soap:Header>
    <xbinc:DoInclude

soap:role='http://www.w3.org/2002/12/soap-
envelope/role/next'
    soap:mustUnderstand='false'
    soap:relay='true' />
  </soap:Header>
  <soap:Body>
    <m:data
xmlns:m='http://example.org/stuff' >
      <m:photo xmime:MediaType='image/png' >
        <xbinc:Include
href='cid:http://example.org/me.png' />
        </m:photo>
        <m:sound xmime:MediaType='audio/mpeg'
>
          <xbinc:Include
href='cid:http://example.org/it.mp3' />
          </m:sound>
          <m:sig
xmime:MediaType='application/pkcs7-
signature' >
            <xbinc:Include
href='cid:http://example.org/my.hsh' />
            </m:sig>
          </m:data>
        </soap:Body>
      </soap:Envelope>

--MIME_boundary
Content-Type: image/png
Content-Transfer-Encoding: binary

```

```
Content-ID: <http://example.org/me.png>

fd a5 8a 29 aa 46 1b 24

--MIME_boundary
Content-Type: audio/mpeg
Content-Transfer-Encoding: binary
Content-ID: <http://example.org/it.mp3>

b1 d7 1f a3 62 53 89 71

--MIME_boundary
Content-Type: application/pkcs7-signature
Content-Transfer-Encoding: binary
Content-ID: <http://example.org/my.hsh>

15 a6 bb bd 13 a2 d9 54

--MIME_boundary--
```

The Office reasons that XML Spy inherently teaches “not having to perform character set-to-to character set encoding.” To assist the Office in the nature of this argument, the following section from the Final Office Action, mailed April 27, 2008, is reproduced below.

Final Office Action mailed April 27, 2008, page 3

Regarding the claimed limitation –

Wherein the homogenized comprises combining with a single package without having to perform character set-to-character set encodings

It is noted that Applicant’s specification paragraph [0006] describes the above as resulting from “combining data having at least two differ encodings and presenting the combined data as homogenized data according to a reference encoding”. Since XML Spy teaches this, as explained above, XML Spy therefore teaches the resulting limitation of “not having to perform character set-to-character set encodings”.

Applicant respectfully submits that it appears the Office (previous examiner) is misreading Applicant's specification, and the argument excerpted above rests on a misunderstanding of the specification.

The Office incorrectly reasons that, because the XML Spy teaches "combining data having at least two different encodings and presenting the combined data as homogenized data according to a reference encoding," it follows that the reference teaches "not having to perform character set-to-character set encodings." A closer reading of Applicant's specification, paragraph [0006], shows that the reasoning of The Office is flawed.

Paragraph [0006] states that "[b]y combining data having at least two different encodings and presenting the combined data as homogenized data according to a reference encoding, information that is encoded in different character sets can be combined within a single package without having to perform character set-to-character set encodings" (emphasis added). It does not inherently follow that by combining data as homogenized data, no character set-to-character set encoding is required. Paragraph [0006] states that presenting the homogenized data is a necessary condition for combining data without character set-to-character set encoding. Paragraph [0006] does not state that presenting the homogenized data is a sufficient condition for not having to perform character set-to-character set encoding.

Thus, assuming *arguendo*, even if XML Spy describes "combining data having at least two different encodings and presenting combined data as homogenized data according to a reference encoding," XML Spy does not inherently or implicitly describe, teach, or suggest *"combining within a single package data encoded as XML and embedded opaque binary data without losing information, without having to perform character set-to-character set encodings, and avoiding data bloat."* As these recited features are not disclosed in XML Spy, Applicant

respectfully submits that claim 15 is not disclosed, taught, or suggested by XML Spy. Thus, Applicant respectfully requests that the § 103 rejection be withdrawn.

Additionally, Applicant submits that Orr fails to compensate for the deficiencies of XML Spy. Orr describes a computer program and method for the direct creation of a page having text and image components. *See*, abstract. More particularly, Orr is directed to a program for the creation of instructional books containing snapshots of computer screens. *See*, col. 1, lines 6-8. Orr describes automating the creation of pages in HTML, PDF, RTF, and any number of electronic formats. *See*, col 3, line 66- col 4, line 1.

As amended, Applicant's claim 15 recites, "*wherein the homogenized comprises combining within a single package data encoded as XML and embedded opaque binary data without losing information, without having to perform character set-to-character set encodings, and avoiding data bloat.*" These recited features are not disclosed, taught or suggested in Orr.

Thus, the Office has failed to show that XML Spy and/or Orr discloses, teaches or suggests the claimed subject matter. Accordingly, Applicant submits that the evidence relied upon by the Office does not support the rejections made under § 103 and respectfully requests that the § 103 rejection be withdrawn.

Dependent claims 15-20 depend from independent claim 15 and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant respectfully requests the § 103 rejections of these claims be withdrawn.

Independent Claim 21

Without conceding the propriety of the rejection and only to advance the prosecution of this application, Applicant amends **independent claim 21** to further clarify features of the claimed subject matter. Amended claim 21 now recites a computer-readable medium having computer executable instructions stored on a computing device including a data structure, comprising (emphasis added):

a first data fragment encoded according to a first format,
wherein the first format is XML; and

a second data fragment encoded according to a second data
format, wherein the second format is JPEG;

wherein the first data field and the second data field are
homogenized according to a reference encoding format for
presentation into a single electronic format;

**wherein the homogenized comprises combining within a
single package data encoded as XML and embedded opaque
binary data without losing information, without having to
perform character set-to-character set encodings, and avoiding
data bloat;**

wherein the reference encoding format can be generalized
to other formats; **and**

wherein the reference encoding format can be split into
parts.

Applicant respectfully submits that no such computer-readable medium is disclosed, taught or suggested by XML Spy and/or Orr.

XML Spy and/or Orr does not disclose, teach or suggest combining within a single package data partially encoded as XML and partially as opaque binary data without having to perform character set-to-character set encodings

With regard to independent claim 21, and as mentioned above with respect to claim 15, XML Spy and/or Orr fails to disclose, teach, or suggest the features as recited in Applicant's claim 21, "*wherein the homogenized comprises combining within a single package data encoded*

as XML and embedded opaque binary data without losing information, without having to perform character set-to-character set encodings, and avoiding data bloat.” Thus, independent claim 21 is allowable over XML Spy and Orr for at least those reasons discussed above with respect to claim 15. Accordingly, Applicant respectfully submits that claim 21 is not disclosed, taught or suggested by XML Spy and/or Orr. Thus, Applicant respectfully requests that the §103 rejection be withdrawn.

Dependent claims 22-25 depend from independent claim 21 and are allowable by virtue of this dependency, as well as for additional features that they recites. Applicant respectfully requests the §103 rejections of these claims be withdrawn.

Independent Claim 26

Without conceding the propriety of the rejection and only to advance the prosecution of this application, Applicant amends **independent claim 26** to further clarify features of the claimed subject matter. Amended claim 26 now recites a method of transmitting data to a receiving node, comprising (emphasis added):

combining data having at least two different encodings, wherein a first data encoding according to XML format and a second data encoding according to JPEG format;

homogenizing the combined data in accordance with a reference encoding, wherein the homogenizing comprises combining within a single package data encoded as XML and embedded opaque binary data without losing information, without having to perform character set-to-character set encodings, and avoiding data bloat; and

transmitting homogenized data to the receiving node over a network;

wherein the reference encoding format can be generalized to other formats;

wherein the reference encoding format can be split into parts.

Applicant respectfully submits that no such method is disclosed, taught or suggested by XML Spy and/or Orr.

XML Spy and/or Orr does not disclose, teach or suggest combining within a single package data partially encoded as XML and partially as opaque binary data without having to perform character set-to-character set encodings

With regard to independent claim 26, and as mentioned above with respect to claim 15, XML Spy and/or Orr fails to disclose, teach, or suggest the features as recited in Applicant's claim 26, *"homogenizing the combined data in accordance with a reference encoding, wherein the homogenizing comprises combining within a single package data encoded as XML and embedded opaque binary data without losing information, without having to perform character set-to-character set encodings, and avoiding data bloat."* Thus, independent claim 26 is allowable over XML Spy and Orr for at least those reasons discussed above with respect to claim 15. Accordingly, Applicant respectfully submits that claim 26 is not disclosed, taught or suggested by XML Spy and/or Orr. Thus, Applicant respectfully requests that the § 103 rejection be withdrawn.

Dependent claims 27-39 depend from independent claim 26 and are allowable by virtue of this dependency, as well as for additional features that they recites. Applicant respectfully requests the §103 rejections of these claims be withdrawn.

Applicant respectfully submits that the cited references do not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably distinguishes over the cited references. For all of these reasons, Applicant respectfully requests the §103(a) rejection of these claims should be withdrawn.

CONCLUSION


Claims 15-39 are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Respectfully submitted,

Lee & Hayes, PLLC

Date: 10-30-2008

By:


Shirley Lee Anderson

Reg. No. 57,763